



Virginia Commission on Youth

Delegate John S. Reid, Chairman

2007 GENERAL ASSEMBLY OVERVIEW OF YOUTH RELATED ISSUES

The Virginia Commission on Youth is a standing legislative commission of the General Assembly which, by mandate, provides a legislative forum in which complex issues may be explored and resolved. The Commission was enacted in 1989 and began operations in 1991. We are a bipartisan commission with twelve members (six Delegates, three Senators, and three citizen members).

According to the Code of Virginia, the role and function of the Commission is "to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and families." The

Commission monitors the development of laws and policies in federal, state and local governments which impact youth and their families and contribute to the General Assembly's ability to make sound policy decisions based on well-studied and reasoned recommendations.

The following reflects the passage of legislative and gubernatorial actions of the 2007 General Assembly.

Glossary

BCE – Board of Correctional Education
BOE – Board of Education
BOH – Board of Health
CA – Commonwealth's Attorney
CCRE – Central Criminal Records Exchange
CRC – Commitment Review Committee
CSA – Community Services Act
CSB – Community Services Board
CSU – Court Service Unit
DCE – Department of Correctional Education
DJJ – Department of Juvenile Justice
DMAS – Department of Medical Assistance Services
DMHMRSAS – Department of Mental Health, Mental Retardation, Substance Abuse Services
DMV – Department of Motor Vehicles
DOC – Department of Corrections
DOE – Department of Education
DSS – Department of Social Services
DUI – Driving Under the Influence
FAMIS – Family Access to Medical Insurance Security Plan
FAPT – Family Assessment and Planning Team
FOIA – Freedom of Information Act
GED – General Educational Development (Degree)
HHS – Secretary of Health & Human Services
J&DR – Juvenile and Domestic Relations
JLARC – Joint Legislative Audit and Review Commission
NCLB – No Child Left Behind
OAG – Office of the Attorney General
OCS – Office of Comprehensive Services
SCHEV – State Council of Higher Education for Va.
TANF – Temporary Assistance for Needy Families
VDH – Department of Health
VIEW – Virginia Initiative for Employment not Welfare
VINE – Victim Information and Notification Everyday

FOSTER CARE & ADOPTION

HB 1687 Exempts birth parents revoking an entrustment or a placement agreement from criminal history and central registry checks. *Toscano*

HB 1897 Requires the filing of an affidavit stating that all reasonably attainable medical and psychological records of the child were provided to the prospective adoptive parent(s) prior to the entry of a final order of adoption. Affidavit shall be signed, under oath, by the agency or parent(s) and the prospective adoptive parent(s) and shall include a statement of which documents were provided. *Albo*

HB 1905 Changes the requirement that a social worker meet with the birth parent(s) and prospective adoptive parents simultaneously to an optional provision. Provides that such meetings may occur simultaneously or separately, upon the agreement of both parties. *Albo*

HB 1985/SB 1041 Changes adoption laws to bring them up to date with amendments made in 2006 Session. Makes the change regarding notice of the entrustment and adoption from 21 to 15 days consistent throughout the adoption statutes and clarifies that, if the putative father's identity is reasonably ascertainable, he must be notified as the Putative Father Registry dictates. *Toscano/O'Brien*

The chief patron's name is provided at the end of each legislative summary. For more details regarding a bill, visit the Legislative Information System website at <http://leg1state.va.us>.

Foster Care & Adoption (cont.)

HB 2504 Establishes mandatory background checks for prospective foster or adoptive parents: a sworn statement or affirmation disclosing whether an individual has a criminal conviction or pending charges or has been the subject of a founded case of child abuse or neglect; fingerprinting forwarded through the CCRE to the FBI to obtain criminal history information; and searches of the central child abuse and neglect registry and similar registries required by federal law in any state where a prospective parent or other adult in the home has resided in the preceding 5 years.

Provides that, in case of an emergency, a local board must first search the central registry and obtain written affirmation from the individual prior to placement. Prohibits approval of homes where an individual has record of an offense set forth in § 63.2-1719 or a founded complaint of child abuse or neglect as maintained in registries pursuant to § 63.2-1515 and the Adam Walsh Child Protection and Safety Act. Effective date 4/1/07. *Toscano*

SJR 377 Requests Department of Taxation to examine other states' financial incentives to support adoption for consideration for Virginia, which currently does not offer any tax assistance to promote adoption. Resolution cites prior studies concluding that financial costs are a barrier to adoption. *O'Brien*

CHILD WELFARE

SB 790 Modifies the definition of caregivers eligible to receive assistance under the Caregivers Grant Program to include legal guardians. Raises the Virginia adjusted gross income limit under the program from \$50,000 to \$75,000 for a married caregiver. *Stosch*

SB 1133 Modifies TANF Program to increase VIEW requirements. Also eliminates food stamps from the subsidies replaced by the Full Employment Program, eliminates community work experience placement, and certain VIEW program exemptions. Authorizes post-termination payments of up to \$50 per month for recipients who work at least 30 hours per week. *Deeds*

CHILD LABOR

HB 2334 Allows an 18-year old to work at a licensed farm winery provided the child does not serve or dispense alcoholic beverages in any manner. *Gilbert*

HB 2783 Increases from \$1,000 to \$10,000 the civil penalty for employing, procuring or permitting a child to be employed, or issues an employment certificate, in violation of child labor laws, when the violation results in the employment of a child who is seriously injured or dies in the course of that employment. For violations not involving serious injury or death, the maximum penalty remains \$1,000. *Morgan*

CHILD SUPPORT

HB 2528 Exempts child support payments received by a parent for the support of a child in his custody from execution, attachment, levy, garnishment, or other legal process. Does not exempt the ability to garnish the income of a child support obligor. *Iaquinto*

SB 944 Amends relevant sections to authorize that either or both parents may provide health care coverage required by a child support order. *Quayle*

SB 945 Provides that income deduction orders for support payments require that employers with at least 100 employees and payroll processing firms with at least 50 clients remit support payments via electronic funds transfer. *Quayle*

STRENGTHENING FAMILIES

SB 1088 Every licensed practitioner who renders prenatal care may provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. Creates the Pregnant Women Support Fund as a special nonreverting fund to be administered by the BOH to support women and families facing an unplanned pregnancy. *Puckett*

HJR 652/SJR 327 Continues the Joint Subcommittee to study the Commonwealth's Program for Prisoner Reentry to Society. The subcommittee is directed to monitor the work of the Va. Prisoner Reentry Policy Academy and its pilot programs; receive the report and recommendations of the Academy regarding the results of the pilot programs; and synthesize the joint subcommittee's proposals and the Academy's recommendations and recommend such feasible and appropriate alternatives that may reasonably facilitate the successful reintegration of prisoners in their communities. In addition, the subcommittee shall evaluate the existing education program for Va. prisoners; identify program needs; review prisoner education programs in other states; consider financial aid alternatives to assist inmates in accessing college; examine the relationship between poor educational opportunities, delinquency, unidentified learning disabilities and crime; and determine the number of inmates with learning disabilities and the average reading level of inmates. *Welch/Puller*

DOMESTIC VIOLENCE

HB 1738 Creates the presumption of further family abuse when there already exists or there is a warrant issued for domestic assault. Such presumption may be rebutted by the alleged abused person. *Fralin*

HB 1916 Requires BOE to incorporate instruction on dating violence and the characteristics of abusive relationships into curriculum guidelines for family life education. *Ward*

Domestic Violence (cont.)

HB 1982/SB 1237 Punishment for the 2nd misdemeanor violation of a protective order, when the offense is committed within 5 years of a conviction for a prior offense, shall include a mandatory minimum confinement of 30 days. Also provides that any person convicted of a 3rd offense, if committed within 20 years of the 1st conviction, is guilty of a Class 6 felony, and punishment shall include a mandatory minimum term of confinement of 6 months. *Lohr/Obenshain*

HB 2646 Provides that, when an emergency protective order is issued, the judge or magistrate provides the protected person or the law-enforcement officer seeking the order with both the form used to file a petition for a preliminary protective order and written information on protective orders that includes the phone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. *Marsden*

SB 938 Requires the OAG's Statewide Facilitator for Victims of Domestic Violence to establish the Address Confidentiality Program to protect domestic violence victims by authorizing use of designated addresses for them. *Ticer*

CRIME VICTIMS

HB 2029/SB 972 Victim notification currently required to be made by the DOC and local and regional jails may be made through the statewide VINE system or other similar electronic or automated system. *Sherwood/Howell*

HB 2570 Allows the appellate courts, upon the victim's request, to exclude their first or last name in its appellate decisions when the crime involves any sexual assault or sexual abuse. *Shannon*

HB 3132 Requires employers to allow an employee who is a crime victim to leave work, without compensation, to exercise his right to be present at related criminal proceedings. Employer may limit the leave if it creates an undue hardship. Employers are prohibited from dismissing or otherwise discriminating against an employee who is a crime victim because he exercises the right to leave work. *Moran*

SB 1177 Increases the maximum amount that can be paid out for a claim under the Criminal Injuries Compensation Fund from \$15,000 to \$25,000. *Stolle*

CHILD SAFETY

HB 2410 Amends "abducted child" definition to include a person who is not an emancipated minor or who is enrolled in a secondary school. *Athey*

HB 2517 Authorizes dissemination of criminal history record information and search results from the child abuse and neglect registry of individuals and other adult household members to support removal of a child during a placement evaluation or to support an investigation of child

abuse or neglect. Further authorizes dissemination of such information to aid criminal prosecution of child abuse, neglect, or related crimes. *Iaquinto*

HB 2523 Authorizes the Chief Medical Examiner to obtain and review presentence reports of any person convicted of a crime that led to the death of a child investigated by the Child Fatality Review Team. *Iaquinto*

HB 2674/SB 898 Defines "toy vehicle" and prohibits their use on certain highways except where play is permitted. Also requires that electrically powered toy vehicles have spillproof, sealed, or gel batteries. *Toscano/Deeds*

HB 2752 Requires the State Police, where appropriate and when an existing system is available, to use automatic dialing-announcing device technology to alert residents in a particular geographic area of an Amber Alert. Calls would be targeted to the area where the abducted child was most recently seen. An automatic dialing-announcing device is one that selects and dials telephone numbers to disseminate a prerecorded or synthesized message. *Hurt*

HB 2923 Creates a legislative commission to study human trafficking. *Ebbin*

SB 1195 Allows criminal history record information to be disseminated to DMAS or its designee for the purpose of screening individuals who provide transportation services to enrollees in Medicaid, FAMIS, or other programs administered by the Department. *Reynolds*

SB 1208 Strengthens criminal background check requirements for employees, volunteers, and providers of contractual services to children's residential facilities. Requires Departments to obtain the results of the background check before allowing an applicant to work with children. Adds numerous statutory offenses, including abduction, carjacking, threats, stalking, use of a machine gun, child pornography, incest, and felony drug possession, to the list of crimes that preclude employment at children's residential facilities. Additional offenses parallel those identified as "barrier crimes". Permits a children's residential facility to hire applicants with a misdemeanor conviction for assault and battery, provided 10 years have elapsed and the offense did not occur in the context of employment or volunteer work. Prohibits state children's residential facilities from hiring employees or accepting volunteers having a founded case of child abuse or neglect. New requirements apply only to persons who did not work or volunteer at the facility prior to 7/01/07. *Hanger*

The Code of Virginia establishes the Virginia Commission on Youth in the legislative branch of state government and gives the Commission the power and duty to undertake studies and to gather information and data in order to accomplish its purposes and to formulate and report its recommendations to the General Assembly and the Governor.

SEX OFFENDING

HB 1790 FOIA does not afford any rights to persons civilly committed pursuant to the Sexually Violent Predators Act, except in exercising their constitutionally protected rights. *Griffith*

HB 1923 Requires Sex Offender and Crimes Against Minors Registry registration for defendants found not guilty by reason of insanity or in the custody of the MHMRSAS Commissioner, or on conditional release on or after 7/01/07, for an offense requiring registration. *Griffith*

HB 2068 Makes it a Class 1 misdemeanor for an adult, with lascivious intent, to commit sexual abuse against a child age 13-14. *Cosgrove*

HB 2591 Removes requirement that the Commonwealth give prior notice to the defendant that it will seek punishment available under the "two-time loser" sex offender statute. *Janis*

HB 2671 Adds the following as sexually violent offenses: capital murder in the commission of, or subsequent to a rape or attempted rape, sodomy or forcible sodomy or object sexual penetration; capital murder related to an abduction with intent to defile the victim; and 1st and 2nd degree murder when the killing was in the commission of, or attempt to commit rape, forcible sodomy, or object sexual penetration. Provides that certain provisions regarding identification, review, and preparation for filing a commitment petition are procedural and not substantive or jurisdictional, and that absent gross negligence or willful misconduct, failure to comply is not a basis upon which a court can deny civil commitment or conditional release. Allows the CRC 120 days after receiving the name of an individual eligible to be evaluated for civil commitment to complete its assessment and submit its recommendation to the OAG and revises the CRC's criteria for assessment. Grants access to a variety of records to the DMHMRAS, CRC, and DOC and provides that the existence of prior convictions or charges may be shown with affidavits or documentary evidence. *Griffith*

HB 2776 No individual shall knowingly provide sex offender treatment services to a convicted sex offender in an office or similar facility located in a residentially zoned subdivision. *Athey*

HB 2968 The venue for prosecution of production of child pornography may lie in the jurisdiction where the unlawful act occurred or where any sexually explicit visual material associated with such a violation is produced, reproduced, found, stored, or possessed. *Bell*

HB 2980/SB 1239 All equipment and other personal property used in connection with the possession, production, distribution, publication, or sale of child pornography or in connection with solicitation of a minor for child pornography shall be subject to seizure and forfeiture. *Bell/Obenshain*

HB 3085 Expands the scope of the rape shield statute to include prosecutions for taking indecent liberties with children. Also adds taking indecent liberties with a child under age 14 by a child 14-17 where the accused is 5 or more years older than the victim to the list of offenses where the court may, on its own motion or at the request of the Commonwealth, the complaining witness, the accused or their counsel, exclude all persons from the courtroom during preliminary hearings except officers of the court and other persons whose presence the court finds is necessary and will not impair the conduct of a fair hearing. *Shannon*

SB 1065 Clarifies that a person convicted of attempt or conspiracy to commit a registerable offense must register. Elevates carnal knowledge of a child age 13-14, which is currently a registerable offense, to a sexually violent offense. Makes a 1st offense (currently a 2nd offense) of production, publication, sale, possession with intent to distribute, and financing of sexually explicit visual material involving children a sexually violent offense. Federal convictions for sex trafficking, abusive sexual contact, and sexual abuse are added as sexually violent offenses. Persons required to register will have to provide palm prints and vehicle registration information for any vehicle they own. Failure to reregister in person within 3 days following any change in vehicle registration information will be a Class 6 felony.

Persons who do not have a continuing duty to register for life must petition the court in order to be relieved of the duty to register. In addition to the current requirement that a petition may not be filed for 10 years after initial registration or a conviction for failure to register, the bill adds that a person may not file a petition for 10 years after conviction of any felony, and that a petition may not be filed until all court-ordered treatment, counseling, and restitution is completed. The court must obtain a copy of the petitioner's complete criminal history and registration history and the Commonwealth must be made a party to the action. *McDougle*

SB 1071 Requires a sex offender to include in the registration information any e-mail address and any instant messaging screen name that he uses or will use. Any changes in email addresses, instant message, or other identity information must be registered within 3 days of change. Defines child pornography as sexually explicit visual material which utilizes or has as a subject an identifiable minor. Establishes graduated penalties for production of child pornography based on the age of the child. Provisions regarding bona fide reasons for possessing child pornography are rewritten and limited. Provides that knowingly financing or attempting or preparing to finance child pornography is a Class 4 felony. Provisions regarding use of a communications system to facilitate certain offenses involving children are rewritten to set out the offenses. *McDougle*

Sex Offending (cont.)

SB 2344 Provides that an adult convicted of a sexually violent offense is guilty of a Class 6 felony if he enters or is present, during school hours, any property he knows or has reason to know is a public or private elementary or secondary school or child day center property, unless he is lawfully voting, is a student enrolled at the school, or has received a court order allowing him to enter upon such property. An adult may petition the J&DR district court or circuit court in the locality where the school or child day center is located for permission to enter such property. For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to restrictions the court deems appropriate. *Bell*

INTERNET SAFETY

HB 2197/SB 1393 Requires the library board or governing body of a state-funded library to include in its acceptable use policy for the Internet provisions on selecting and installing on computers having Internet access a technology protection measure to filter or block Internet access to child pornography, obscenity, and, with respect to minors, materials deemed harmful to juveniles. Policy must include a provision for disabling the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. *Nixon/Stosch*

HB 2353 Adds keyboard loggers and bots and zombies to the list of computer trespass crimes. Makes it a Class 6 felony for a person to install (or cause to be installed), or collect information through, software capable of recording all or a majority of the keystrokes on the computer of another. Makes it a crime to install (or cause to be installed) computer software that takes control of another person's computer. Reduces from \$1,000 to \$500 the amount of property damage that a person who violates computer trespass must cause before it will be considered a Class 6 felony. Adds a provision that enhances a violation of computer trespass to a Class 6 felony if a person installs software on over 5 computers of another, or installs software which records keystroke information, regardless of the number of computers involved. *Cosgrove*

HB 3017 Establishes the Youth Internet Safety Fund for the purposes of education, public awareness, and other activities to promote the safe and secure use of the Internet. Contains an emergency clause and provides that the Va. Public Procurement Act does not apply to expenditures from the Fund. *Callahan*

HJR 587 Designates September as Internet Safety Month in Virginia. *Fralin*

Virginia Commission on Youth meetings are open to the public. Follow the progress of the Commission's 2007 studies and legislative initiatives throughout the year by visiting our website at <http://coy.state.va.us>.

CHILD HEALTH

HB 2035/SB 1230 Requires females to receive 3 doses of properly spaced human papillomavirus (HPV) vaccine. The 1st dose shall be administered before the child enters the 6th grade. Because the virus is not communicable in a school setting, a parent or guardian may elect for their child not to receive the vaccine, after reviewing materials describing the link between HPV and cervical cancer approved for such use by the BOH. Effective date 10/01/08. *Hamilton/Howell*

HB 2214/SB 974 Requires the Supt. of Public Instruction and the Health Commissioner to work together to combat childhood obesity and other chronic health conditions that affect school-age children. *Armstrong/Edwards*

HB 2299 Eliminates the requirement that DMAS provide quarterly reports on FAMIS enrollment, policies affecting enrollment, outreach efforts, and other topics. *Brink*

HB 2319/SB 905 Permits parents or legal caregivers to refuse medical treatment for a child if they and the child are in agreement, if the child is at least age 14 and mature, if they've considered other options, and if they think their decision is in the child's best interest. *Welch/Rerras*

HB 2378 Requires the Health Commissioner to ensure, in licensing health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of licensure and related enforcement efforts, to coordinate with VDH's emergency preparedness and response efforts, and to ensure that disease prevention and protection of public health remain VDH's overriding goals. *Hamilton*

HB 3043 Requires the Health Commissioner to designate a VDH senior staff member, who shall be a licensed physician, to oversee their minority health efforts. *Spruill*

HB 3131/SB 1374 Requires the HHS Secretary to coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health-related services and financing. *Moran/Miller*

HB 3167 Requires BOH to promulgate regulations requiring physicians to make available to parents information on the dangers of lead poisoning, along with a list of available resources, as part of regular well check visits for all children. *Ebbin*

HJR 726 Designates the third week in September as Healthy Virginians/Healthy Students Week. *Tyler*

SB 797 Requires the Agriculture and Consumer Services Commissioner to establish a website to promote Virginia farm products to educational institutions. *Potts*

SB 1225 Requires the Health Commissioner to designate a senior official, who is a licensed physician or nurse practitioner, to coordinate all VDH women's health efforts. *Howell*

Children's Mental Health Treatments

The Commission on Youth and the Department of Mental Health, Mental Retardation, and Substance Abuse Services are partnering to convene a statewide conference to educate behavioral health professionals, juvenile justice representatives, caregivers, families, and youth on Systems of Care and how to utilize evidence-based practices for youth with mental health disorders within the System of Care.

The conference, *Systems of Care and Evidence-Based Practices - Tools that Work for Youth and Families*, will be held September 16-18, 2007 at the Hotel Roanoke in Roanoke. Registration information will be forthcoming in the late Spring/early Summer. Details about the conference will also be available on the Commission's website at <http://coy.state.va.us>.

SUBSTANCE ABUSE

HB 1708 DMV Commissioner shall not reinstate the driver's license of a defendant required to complete an alcohol safety action program for a conviction of reckless driving until notification of enrollment is received. *Lingamfelter*

HB 2678 Provides that no treatment provider for persons with opiate addiction through the use of methadone or other opioid replacements shall be required to conduct, maintain or operate services on Sunday with some exceptions. Requires VDH to develop guidelines to ensure the appropriate health, welfare and safety of consumers and the security of take-home doses. *Ware*

HB 3098 Provides that a DUI ignition interlock installation will now be for 6 consecutive months as opposed to "6 months", provided defendant has no alcohol-related violations of the interlock requirements. *laquinto*

HJR 683 Directs JLARC to study the cost of substance abuse to the Commonwealth to determine the financial savings available as a result of providing treatment to offenders diverted from incarceration. *Landes*

The 3rd Edition of the Collection of Treatment Modalities for Children and Adolescents with Mental Health Treatment Needs is scheduled for release in late 2007. The current edition of this comprehensive document can be accessed on the Commission's website at <http://coy.state.va.us>, Children's Mental Health Treatments.

First published in 2003, the *Collection* is tailored to family members, advocates, health care providers and policymakers seeking information on evidence-based and promising practices in the field of children's mental health.

MENTAL HEALTH

HB 2369/SB 1104 Replaces certain language throughout Chapter 11.1, Title 19.2 and adds, where omitted, the term "or behavioral health authority" wherever the term "community services board" appears. *Brink/Puller*

HB 2955 Requires magistrate issuing a temporary detention order to consider the recommendations of any treating/examining physician licensed in Va., if available, prior to rendering a decision. *Bell*

HJR 774 Recognizes DMHMRSAS as the primary state agency responsible for planning and delivery of mental health services in Va. Also states that neither DSS nor OCS is the default system for provision of mental health services. *Kilgore*

SB 738 In the Psychiatric Inpatient Treatment of Minors Act, clarifies that retired judges, substitute judges, and special justices are authorized to perform hearings and to receive compensation. To be authorized, they must complete a training program, prescribed by the Supreme Court Executive Secretary, regarding the provisions of the Act. Currently the Act specifically authorizes only J&DR court judges. *Cuccinelli [Similar to HB 2530 (laquinto)]*

SB 890 Allows an emergency or temporary custody order for an involuntary mental health commitment to include transportation to a medical facility for a medical evaluation if required by a physician at the hospital to which the person is being transported. *Deeds*

SB 1186 Permits reappointment for one full term of a CSB board member who served three consecutive full terms one year after he finishes serving his last term. *Blevins*

SB 1332 Expands the target population for receipt of state funds to include children requiring mental health services, provided that the child is eligible for CSA funding; sufficient facts exist for a licensed mental health professional or FAPT designee or CSU intake officer to conclude that the child's behavior, conduct or condition presents or results in a serious threat to his well-being and physical safety, or, if he is under age 14, in a serious threat to the well-being and physical safety of another person; mental health services are required to prevent placement in foster care as determined and recommended by a licensed mental health professional designated by the FAPT; the FAPT indicates as a goal in the individualized family services plan that, absent the referenced mental health services, foster care is the planned arrangement for the child; and the mental health services are not covered by private insurance or Medicaid.

Expands eligibility for state pool funds to include children requiring mental health services to avoid placement in foster care. Provisions of Act must be reenacted by the 2008 Regular Session of the General Assembly. *Davis*

JUVENILE JUSTICE

HB 2053 Upon a finding of guilty of any felony charge, the court shall fix the sentence of a juvenile defendant without the intervention of a jury. Currently, the Code provides for a jury in a capital case; however, since a juvenile convicted of capital murder cannot be put to death, this is no longer necessary. *McQuigg*

HB 2201/SB 1290 Repeals the Interstate Compact Relating to Juveniles and replaces it with the current version of the Interstate Compact for Juveniles, already enacted in 30 states and providing for enhanced accountability, enforcement, visibility, and communication in relation to tracking and supervising juveniles moving across state borders. Provides for an appointed 5-member State Council to exercise oversight of Virginia's participation in the Compact. *McQuigg/Edwards*

HB 2631/SB 915 Provides that school personnel are authorized to disclose identifying information from a student's education records for the purpose of furthering the ability of the juvenile justice system to effectively serve the student prior to adjudication. Identifying information may be disclosed to CAs, CSUs, DJJ, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and those agencies' staffs. *Reid/Lambert*

HB 2660 Changes from optional to required that the court order an investigation of a juvenile's social history at the time of commitment, to be completed within 15 days of commitment. Currently investigation is permissive. *Marsden*

HB 2661 Adds group homes, residential facilities, and postdispositional facilities to the list of those eligible to review social, medical, psychiatric, and psychological reports and records of children who are or have been before the court, under supervision, or receiving services from a CSU or who are committed to DJJ. Also provides for release of copies of those records to the newly added review-eligible facilities and only to those facilities and requires destruction of those records if the juvenile is not admitted to such a facility. *Marsden*

HB 2890 Conforms punishment for certain offenses committed within a secure juvenile facility or detention home to those for adult facilities to reflect changes made in 2006. *Phillips*

HB 3007 States that juveniles are only certified as adults upon conviction. *Marsden*

EDUCATION GENERAL

HB 1962 Provides that due process procedures for students with disabilities prescribed by the BOE must require that testimony be given under oath or affirmation administered by the hearing officer. *O'Bannon*

HB 2092 Eliminates requirement that a student must have been attending a Virginia public school while residing with his custodial parent prior to the parent's deployment outside the U.S. in order to attend school without paying tuition. Clarifies that children of parents deployed outside the U.S. may continue to attend school in the division they attended immediately prior to the deployment without paying tuition. Eliminates the conflict between § 22.1-3 and § 22.1-5. *Tata*

HB 2302 Permits local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools. *Cole*

HB 2311 Establishes Public Charter School Fund to establish or support Virginia public charter schools. BOE must establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund. *Cole*

HB 2371 Authorizes participating school boards of a joint school, including academic year Governor's Schools operated by two or more school divisions, to select the fiscal agent for the joint school from among the treasurers of the participating localities. Boards must agree and the respective local governing bodies must approve any such selection. Contains an emergency clause. *Tata*

B 2893 Authorizes public schools to retain copies of enrolled students' birth certificates as part of the students' records. *Phillips*

HB 3191 Empowers the BCE to develop programs to provide restricted internet access to online secondary education or adult education and literacy programs leading to a diploma or GED program and testing. *McClellan*

HJR 622 Requests BOE to establish and regularly convene a Commonwealth Educational Roundtable to facilitate the implementation and continuation of efforts to improve and sustain quality educational leadership in Va. public schools. *Hamilton*

COMMEMORATION

HJR 659 Designates May 13 as Jamestown Day in Virginia. *Callahan*

Access the Virginia Commission on Youth's prior years' study reports at <http://coy.state.va.us>.

Education General (cont.)

HJR 729 Directs JLARC to study the Virginia Preschool Initiative, including review of the statutory authorization for the Initiative and funding; determination of the costs; assessment of the manner in which the program has been implemented and the effectiveness of the current program in preparing at-risk 4-year-olds for school readiness and success; evaluation of the continued K-12 academic performance of students who participated in the current preschool program; identification and assessment of the program's accountability measures to promote effective programs and efficient use of public funds; study the concept of the Universal Preschool or Pre-K; evaluation of the additional costs, if any, of aligning components of the Initiative with the Quality Standards checklist recommended by the National Institute for Early Education Research; and determination of whether research has been conducted concerning the efficacy of preschool programs for children of middle- and upper-income parents. JLARC must submit its executive summary and report to the 2008 General Assembly. *Cox*

SB 751 Requires BOE to establish criteria for awarding a diploma seal for excellence in community service for the standard and advanced studies diplomas. Board shall consider including criteria for the types of activities that shall qualify as community service; number of hours required; and related requirements as appropriate. *Williams*

SB 785 Increases from \$2,000 to \$4,000 the annual income tax deduction allowed for purchases and contributions for prepaid tuition contracts or savings trust accounts entered into with the Virginia College Savings Plan. Increase effective for tax year 2009. *Bell*

SB 847 Requires testimony given during the Special Education due process procedures developed by the BOE to be sworn. *Lambert*

SJR 329 Requests BOE to study high school dropout and graduation rates in the Commonwealth. In conducting its study, BOE shall evaluate the relevancy of the current process and procedures for defining, counting, and reporting school dropout statistics; determine the number of students who dropped out of school before the seventh grade and the reasons why and the number of students who graduated annually, for school years 2003-06 ascertain whether, by whom, and the manner in which students at risk of dropping out are counseled to remain in school; identify local school division initiatives and efforts to retain and retrieve students at risk of dropping out; and recommend such policy, statutory, fiscal, or regulatory changes as the Board may deem necessary to increase the high school graduation rates, particularly among student populations with high dropout rates. Board must submit its executive summary and report to the 2008 General Assembly Session. *Locke*

AFFIRMATIONS

HB 3082 Reiterates an individual's freedom of religion and prohibits a government entity from unduly burdening such right. *Lingamfelter*

HJR 744/SJR 332 Expresses the sense of the General Assembly that persons of diverse heritages, cultures, and faiths are welcome in Virginia, and that they are encouraged to exercise their constitutional rights and express their beliefs. *McEachin/Marsh*

CAREER & TECHNICAL EDUCATION

HB 1978/SB 1148 Requires local school boards to include in their annual report to BOE the number of career and technical education completers that graduated. Defines a "career and technical education completer" as a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program. *Lohr/Wagner*

HB 2039/SB 1147 Directs BOE to establish the requirements for a technical diploma, which must meet or exceed the requirements of a standard diploma and include a concentration in career and technical education. Also provides for an advanced technical diploma if the student meets the requirement of an advanced studies diploma and completes a concentration in career and technical education. *Hamilton/Wagner*

HB 2040 Extends the sunset for the Advisory Council on Career and Technical Education to 7/01/12. *Hamilton*

HB 2757 Exempts from the contractor licensing requirements any work undertaken by students as part of a career and technical education project established by a school board for the construction of portable classrooms or single family homes. *Hurt*

NO CHILD LEFT BEHIND

HB 2542 Requires BOE to request a waiver from NCLB provisions that are fiscally and programmatically burdensome to school divisions and are not instructionally sound or in the best interest of children. *Landes*

SB 1212 Requires BOE to continue seeking waivers from NCLB provisions that are fiscally and programmatically burdensome and not instructionally sound or in the best interest of children. Also requires BOE to report by 10/01/07 on the status of such waivers to the Va. Congressional delegation for its consideration in the reauthorization of the Elementary and Secondary Education Act. If Va. withdraws from NCLB, bill allows the BOE and OAG to bring suit against the U.S. DOE if federal funds are inappropriately withheld. *Hanger*

EDUCATION CURRICULUM

HB 2601 Requires BOE to make information available regarding the commemoration of Veterans Day. *Plum*

HB 2837 Requires DOE to make information available regarding the commemoration of George Washington's birthday. *Amundson*

HJR 627/SJR 343 Designating the third week in September as Civics Education Week in Virginia. *Tata/Reynolds*

SB 795 Provides for phasing out the 8th grade cumulative history test in the 2007-08 school year, and the implementation of the U.S. History to 1877, U.S. History: 1877 to the Present, and Civics Economics tests the following school year. Adds effective classroom management to the list of professional development programs provided to teachers and principals. Requires local school divisions to post a current copy of the school division policies, including the Student Conduct Policy, on the local division's website, while ensuring that printed copies of such policies are available to citizens not having Internet access. *Potts*

SCHOOL SAFETY

HB 1707/SB 1346 As a condition of awarding a contract for the services that require the contractor or his employees to have direct contact with students on school property during regular school hours, the school board must require the contractor to certify that no employees having direct contact with students have been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The requirement may be waived in emergency situations when it is reasonably anticipated that the contractor or his employees will have no direct contact with students. *Lingamfelter/Newman*

HB 2271 Requires local school boards to review annually the written school crisis, emergency management, and medical emergency response plans and the local division to certify that review in writing to the Va. Center on School Safety by August 31 each year. *Ebbin*

SB 927 An adult convicted of a sexually violent offense is guilty of a Class 6 felony if he enters or is present, during school hours, any property he knows or has reason to know is a school or child day center property, unless he is lawfully voting; is a student enrolled at the school; or has received a court order allowing him to enter upon such property. Provides that such an adult may petition the J&DR Court or circuit court in the locality where the school or child day center is located for permission to enter the property. For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to restrictions the court deems appropriate. *Norment*

GANGS

HB 2429 Any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause another to participate, generally, in an act(s) of terrorism is guilty of a Class 4 felony. Also allows the OAG, with the concurrence of the local CA, to assist in the prosecution of certain gang and terrorism crimes when committed on the grounds of a state correctional facility. *Albo*

HB 2524 Adds "felony involving the use of a firearm or other weapon" to the list of acts that qualify as predicate criminal acts necessary for criminal gang member status. *Iaquinto*

VEHICLE SAFETY

HB 1729 Increases the maximum speed limit to 60 mph for school buses traveling on interstates and highways where the speed limit is greater than 55 mph *Lohr*

SB 1060 Increases the age that children must be secured in a child restraint device from a 5 to 8 and requires that rear-facing child restraint devices for infants from birth to 1-year must be secured only in the back seat of motor vehicles manufactured after 1/01/98. Removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than 6-years old to 8-years old for the use of standard seat belt equipment for certain children. *Albo/Watkins*

HB 1920 School boards may, at local school divisions' expense, display decals relating to local school division bus safety hotlines. *Peace*

HB 2216 BOE may authorize a local school board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs. *Amundson*

HB 2518 Prohibits DMV from issuing or reinstating the driver's license of a person convicted of driving under the influence or a related offense during the 3-year period following the conviction, unless the person provides proof that he has in effect a motor vehicle liability insurance policy with limits of double the minimum limits generally required. *Iaquinto*

HB 3084 Requires that any new bus placed into service on or after 07/01/07 shall be equipped with warning devices that, at a minimum, include a nonsequential system of red traffic warning lights, a warning sign with flashing lights, and a crossing control arm such that when the bus door is opened, the red warning lights, warning sign with flashing lights, and crossing control arm are automatically activated. *Peace*

Vehicle Safety (cont.)

SB 1039 Prohibits drivers under age 19 from using wireless telecommunication devices while operating a motor vehicle. *O'Brien*

SB 1236 Clarifies that a judge may impose all penalties allowable by law for juveniles found delinquent of offenses that require the loss of driving privileges. *Obenshain*

SJR 378 Establishes a 10-member joint subcommittee to study revision of the curriculum for driver training programs. *O'Brien*

GENERAL

HB 2831 Enables the custodian of a trust benefiting a minor to transfer property, after minor reaches age 21, to a qualified minor's trust. Transfer has the effect of terminating the custodianship to the extent of the property transferred. *Gilbert*

HJR 584 Continues the Joint Subcommittee to Study Medical, Ethical, and Scientific Issues Relating to Stem Cell Research Conducted in the Commonwealth study for another year for the purpose of monitoring the progress of the Va. Cord Blood Bank Initiative and reviewing new and emerging issues in stem cell research. *Marshall, R.G.*

LEGISLATIVE STUDY ACTIVITIES, BUDGET DIRECTIVES, & INITIATIVES 2000-2006

<p>2006 Alternative Education Options Effective Treatment Modalities for Treatment of Children and Adolescents - Conference Planning Establishment of an Office of Children's Services Ombudsman</p> <p>2005 2-1-1 Initiative Evidence-Based Treatment Modalities for Children and Adolescents with Mental Health Treatment Needs Strengthening Families (Yr 3) At-Risk Youth Served in Out-of-State Residential Placements</p> <p>2004 Strengthening Families (Yr 2) Update of the Collection of Effective Treatment Modalities for Treatment of Children and Adolescents</p> <p>2003 Dissemination of the Collection of Effective Treatment Modalities for Treatment of Children and Adolescents Treatment Options for Offenders with Mental Illness (Yr 3) Childhood Obesity Strengthening Families (Yr 1) Foster Care in Virginia</p>	<p>2002 Effective Treatment Modalities Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (Yr 2) Juvenile Records Female Juvenile Offenders Children of Incarcerated Parents Dispute Resolution Educational Aspects of Children and Youth with Serious Emotional Disturbance Pre-dispositional Detention Risk Assessment (with DJJ)</p> <p>2001 Youth with Serious Emotional Disturbance Requiring Out-of-Home Treatment (Yr 2) Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (with the Joint Behavioral Health Care Commission and State Crime Commission) Youth Assets Pilot Programs in Three Virginia Communities</p> <p>2000 Student Discipline Statutes Youth with Serious Emotional Disturbance Requiring Out-of-Home Treatment (Yr 1) Youth Suicide Prevention Plan Kinship Care</p>
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